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10 **UNITED STATES DISTRICT COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA**  
12 **WESTERN DIVISION**

13 SECURITIES AND EXCHANGE  
14 COMMISSION,

15 Plaintiff,

16 vs.

17 JAMMIN' JAVA CORP., dba MARLEY  
18 COFFEE, SHANE G. WHITTLE,  
19 WAYNE S. P. WEAVER, MICHAEL K.  
20 SUN, RENE BERLINGER, STEPHEN B.  
21 WHEATLEY, KEVIN P. MILLER,  
22 MOHAMMED A. AL-BARWANI,  
23 ALEXANDER J. HUNTER, and  
24 THOMAS E. HUNTER,

25 Defendants.

Case No. 2:15-CV-08921

**PARTIAL JUDGMENT AS TO  
DEFENDANT WAYNE WEAVER**

Hon. Stephen V. Wilson

26 Having granted Plaintiff Securities and Exchange Commission's (the  
27 "SEC's") Motion for Partial Summary Judgment against Defendant Wayne  
28 Weaver, the Court hereby enters partial judgment as to Defendant Weaver. It is  
hereby ordered that:

1. For the reasons stated by the Court in its May 31, 2017 Order (Dkt.  
#215), the Court finds Defendant Weaver liable – and enters judgment against him

1 – on each of the following claims in the SEC’s August 8, 2016 Amended  
2 Complaint (Dkt. #121):

3 (a) Count I: Unregistered Offer and Sale of Securities under  
4 Sections 5(a) and 5(c) of the Securities Act of 1933, 15 U.S.C. § 77e(a) and  
5 (c);

6 (b) Count II: Failure to File Beneficial Ownership Reports under  
7 Section 13(d) of the Securities Exchange Act of 1934 (the “Exchange Act”),  
8 15 U.S.C. § 78m(d), and Rules 13d-1 and 13d-2 thereunder, 17 C.F.R. §  
9 240.13d-1, 13d-2; and


10 (c) Count IV: Fraud in Connection With the Purchase or Sale of  
11 Securities under Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and  
12 Rules 10b-5(a) and 10b-5(c) thereunder, 17 C.F.R. § 240.10b-5(a), (c).

13 2. The Court will enter appropriate injunctive and monetary relief upon  
14 briefing of the SEC’s motion for remedies. Within 30 days of entry of this partial  
15 judgment, the SEC shall file with the Court a motion and supporting memorandum  
16 requesting injunctive and monetary relief consistent with the Court’s findings of  
17 liability. Defendant Weaver’s response is due within 21 days of the filing of the  
18 SEC’s motion for remedies. The SEC’s reply is due within 10 days of the filing of  
19 Weaver’s response.

20 3. As the issue of liability has been resolved as to all remaining claims in  
21 this case, all deadlines in the Court’s February 2, 2017 Scheduling Order, (Dkt.  
22 #163), its May 8, 2017 Order, (Dkt. #184), and its May 8, 2017 In Chambers  
23 Order, (Dkt. #185) – including the July 11, 2017 trial date – are stricken.

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25 **JUDGMENT ENTERED:**

26  
27 Dated: June 8, 2017

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THE HON. STEPHEN V. WILSON  
United States District Court Judge